REMARKS

Restriction Requirement

The Office has set forth a restriction requirement. In particular, the Office requires Applicant to elect one of the following twenty-four groups:

(I) Claims 1-10, 30, 56, and 57, drawn to a human CCR5 chemokine receptor polypeptide comprising a YDIXYYXXE core motif (class 530, subclass 300);

(II) Claims 11-16 and 58, drawn to a human CXCR4 chemokine receptor polypeptide comprising an XEXIXIYXXXNYXXX core motif (class 530, subclass 300);

(III) Claims 17-20, and 59, drawn to a human STRL33 chemokine receptor polypeptide comprising the amino acid sequence EHQAFLQFS (class 530, subclass 300);

(IV) Claims 21 and 60, drawn to disparate human CCR5 polypeptides lacking a common structural motif (class 530, subclass 300);

(V) Claims 22 and 61, drawn to disparate human CCR4 chemokine receptor polypeptides lacking a common structural motif (class 530, subclass 300);

(VI) Claims 23 and 62, drawn to disparate human STRL33 chemokine receptor polypeptides lacking a common structural motif (class 530, subclass 300);

(VII) Claims 24 and 63, drawn to disparate human CD4 cell surface antigen polypeptides lacking a common structural motif (class 530, subclass 300);

(VIII) Claim 31, drawn to a nucleic acid encoding a human CCR5 chemokine receptor polypeptide comprising a YDIXYYXXE core motif (class 536, subclass 23.5);

(IX) Claim 34, drawn to a method of making an antibody through the administration of an immunogenic composition comprising a human CCR5 chemokine receptor polypeptide comprising a YDIXYYXXE core motif (class 424, subclass 185.1);

(X) Claim 34, drawn to a method of making an antibody through the administration of a nucleic acid vaccine encoding human CCR5 chemokine receptor polypeptide comprising a YDIXYYXXE core motif (class 424, subclass 185.1);

(XI) Claim 35, drawn to a method of inhibiting HIV infection in a mammal through the administration of a human CCR5 chemokine receptor polypeptide comprising a YDIXYYXXE core motif (class 435, subclass 5);

(XII) Claim 35, drawn to a method of inhibiting HIV infection in a mammal through the administration of a nucleic acid encoding a human CCR5 chemokine receptor polypeptide comprising a YDIXYYXXE core motif (class 435, subclass 6);

(XIII) Claim 35, drawn to a method of inhibiting HIV infection in a mammal through the administration of an anti-Id human CCR5 chemokine receptor polypeptide antibody (class 435, subclass 7.1);

(XIV) Claims 36 and 50, drawn to a method of making an HIV-1 gp120-specific antibody (class 424, subclass 208.1);

(XV) Claim 53, drawn to an immunogenic HIV-1 gp120 polypeptide (class 424, subclass 208.1);

(XVI) Claim 54, drawn to an HIV-1 gp120-specific antibody (class 424, subclass 148.1);

(XVII) Claim 55, drawn to a method of removing HIV from bodily fluids using a human CCR5 chemokine receptor polypeptide comprising a YDIXYYXXE core motif attached to a solid matrix (class 424, subclass 140.1);

(XVIII) Claim 55, drawn to a method of removing HIV from bodily fluids using an anti-ID human CCR5 chemokine receptor antibody attached to a solid matrix (class 424, subclass 140.1);

(XIX) Claim64, drawn to a nucleic acid encoding a human CXCR4 chemokine receptor polypeptide comprising an XEXIXIYXXXNYXXX core motif (class 536, subclass 23.1);

(XX) Claim 65, drawn to a nucleic acid encoding a human STRL3 chemokine receptor comprising the amino acid sequence EHQAFLQFS (class 536, subclass 23.1);

(XXI) Claim 66, drawn to nucleic acids encoding disparate human CCR5 polypeptides lacking a common structural motif (class 536, subclass 23.1);

(XXII) Claim 67, drawn to nucleic acids encoding disparate human CCR4 chemokine receptor polypeptides lacking a common structural motif (class 536, subclass 23.1);

(XXIII) Claim 68, drawn to nucleic acids encoding disparate human STRL33 chemokine receptor polypeptides lacking a common structural motif (class 536, subclass 23.1); and

(XXIV) Claim 69, drawn to nucleic acids encoding diparate human CD4 cell surface antigen polypeptides lacking a common structural motif (class 536, subclass 23.1).

The Office indicates that if Applicant elects claims directed to a product, and a product claim is subsequently found to be allowable, then withdrawn process claims that depend from or otherwise include all of the limitations of the allowable product claim will be rejoined and examined for patentability.

Election in Response to Restriction Requirement

Applicant hereby elects, with traverse, the claims of Group IV (i.e., claims 21 and 60).

Discussion of the Restriction Requirement

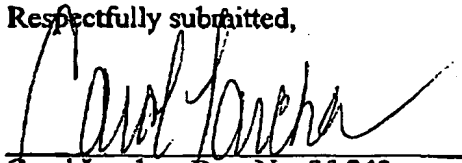
There are two separate criteria for a proper requirement for restriction between patentably distinct inventions: (i) the inventions must be independent or distinct as claimed, *and* (ii) there must be a serious burden on the Examiner if restriction is not required. Both of these criteria must exist for a restriction requirement to be proper, and "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, *even though it includes claims to distinct or independent inventions*" (M.P.E.P. § 803, emphasis added).

In the case at hand, the Office fails to meet the above-identified criteria and to present the required supporting evidence and reasoning. There is significant overlap in subject matter between the Groups, such that references considered during the examination of the claims of one group would be considered during the examination of the claims of the other groups. For example, a search of the prior art for references relevant to HIV co-receptor peptides, which have the ability to bind to HIV gp120 (T lymphoctye-trophic), could be relevant to Groups I-XXIV, and at least to Groups I-VII (all classified in class 530, subclass 300). In the least, the claims of Groups I and IV should be examined together, since the claims are directed to amino acid sequences from the same co-receptor molecule, CCR5, and are classified in the same class and subclass. This is not to say that the claims stand or fall together. Rather, the overlap in the relevance of references and the overlap in the classification and

subclassification of the claimed subject matter and the potential for overlap in the relevance of references mitigates against the restriction requirement.

Thus, the Office has failed to meet the criteria for a proper requirement for restriction. Applicant respectfully submits that the requirement for restriction is improper and should be withdrawn, at least in part.

Respectfully submitted,



Carol Larcher, Reg. No. 35,243
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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